

Amendment to the Claims:

The listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (Currently Amended) A process for controlling selection of a modulation and coding selection method to be used by a base transceiver station to transmit data packets comprising first data packets transmitted on a forward shared channel which have been received by the mobile station and second data packets to be transmitted to the mobile station on the forward shared channel which follow the first data packets to a mobile station comprising:

storing information at the base transceiver station, the information containing modulation and coding methods which may be selected to transmit the second data packets over the forward shared channel to the mobile station;

receiving feedback from the mobile station at the base transceiver station based upon the transmission of the first data packets of a quality indication of transmission of the first data packets over the forward channel to the mobile station; and

selecting a modulation and coding method from a plurality of modulation and coding methods to be used to transmit the second data packets on the forward channel dependent upon the received quality indication of the feedback of the first data packets; and wherein

the quality indication is processed at the base transceiver station to choose from a plurality of groups of selectable modulation and coding methods a modulation and coding method to be used to transmit the second data packets from one of the groups with a modulation and coding method selected from each group optimizing a different characteristic of the transmission of the second data packets; the information correlates modulation and coding methods with frame error rate and throughput determined by the mobile station; and

the quality indication of transmission of data packets contains a trigger that either frame error rate information or the throughput information is to be used in selecting a modulation and coding selection method and an indication of pilot signal strength with the pilot signal strength being used in the selection of a modulation and coding selection method based upon either the designated frame error rate information or the designated throughput information

2. Cancelled (without disclaimer or prejudice).

3. (Currently Amended) A process in accordance with claim 21 wherein:
selection of one of the modulation and coding methods optimizes transmission of the data packets.

4. (Previously Amended) A process in accordance with claim 57 wherein:
the quality indication of transmission comprises a ratio of E_c (pilot channel strength) to N_t (noise from other cells).

5. (Currently Amended) A process in accordance with claim 21 wherein:
the quality indication of transmission comprises a ratio of E_c (pilot channel strength) to N_t (noise from other cells).

6. (Original) A process in accordance with claim 3 wherein:
the quality indication of transmission comprises a ratio of E_c (pilot channel strength) to N_t (noise from other cells).

7. (Currently Amended) A process in accordance with claim 21 wherein:
the quality indication of transmission comprises an average of frame error rate or throughput of the first data packets calculated by the mobile station over a plurality of data transmissions over the forward channel from the base transceiver station to the mobile station.

8. (Previously Amended) A process in accordance with claim 3 wherein:
the quality indication of transmission comprises a function of frame error rate or a function of throughput calculated by the mobile station of the first data packets over a plurality of data transmissions over the forward channel from the base transceiver station to the mobile station.

9. (Previously Amended) A process in accordance with claim 5 wherein:

the quality indication of transmission comprises a function of frame error rate or a function of throughput calculated by the mobile station of the first data packets over a plurality of data transmissions over the forward channel from the base transceiver station to the mobile station.

10. (Previously Amended) A process in accordance with claim 6 wherein:

the quality indication of transmission comprises a function of frame error rate or a function of throughput calculated by the mobile station of the first data packets over a plurality of data transmissions over the forward channel from the base transceiver station to the mobile station.

11-18. Cancelled (Without disclaimer or prejudice).

19. (Previously Amended) A process in accordance with claim 1 wherein:

the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

20. (Currently Amended) A process in accordance with claim ~~42~~3 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

21. (Currently Amended) A trigger in accordance with claim ~~43~~4 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

22. (Currently Amended) A process in accordance with claim ~~44~~5 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

23. (Currently Amended) A process in accordance with claim ~~45~~6 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

24. (Currently Amended) A process in accordance with claim ~~16~~7 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

25. (Currently Amended) A process in accordance with claim ~~17~~8 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

26. (Currently Amended) A process in accordance with claim ~~18~~9 wherein:
the trigger in the quality indication of transmission to use the frame error rate information to select the modulation and coding selection method occurs when the first data packets received on the forward channel are determined by the mobile station to be sensitive to frame error rate.

27. (Previously Amended) A process in accordance with claim 1 wherein:
the trigger in the quality indication of transmission to use the throughput information to select the modulation and coding selection method occurs when the first data packets received on the forward shared channel are determined by the mobile station to be sensitive to throughput.

28. (Currently Amended) A process in accordance with claim ~~42~~3 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

29. (Currently Amended) A process in accordance with claim ~~43~~4 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

30. (Currently Amended) A process in accordance with claim ~~44~~5 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

31. (Currently Amended) A process in accordance with claim ~~45~~6 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

32. (Currently Amended) A process in accordance with claim ~~16~~7 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

33. (Currently Amended) A process in accordance with claim ~~17~~8 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

34. (Currently Amended) A process in accordance with claim ~~18~~9 wherein:
the trigger in the quality indication of transmission to use the
throughput information to select the modulation and coding selection method occurs
when the first data packets received on the forward shared channel are determined
by the mobile station to be sensitive to throughput.

35. (Original) A process in accordance with claim 1 wherein:
the receiving at the base transceiver station is over a reverse
channel and the stored information is stored in two tables.

36. (Original) A process in accordance with claim 35 wherein:
the channel is R-QIECH.

37-52. (Cancelled) Without disclaimer or prejudice

53. (Original) A process for a base transceiver station to resolve whether frame error rate or throughput of data packet transmission to a mobile station over a forward shared channel should control a selection of which of a plurality of modulation and coding selection methods is to be used to transmit the transmission of data packets over the forward shared channel to the mobile station comprising:

computing a frame error rate of data packet transmission to the mobile station and comparing that calculated frame error rate to a threshold frame error rate;

computing a throughput data rate of data packet transmission to the mobile station and comparing that calculated throughput data rate to a threshold throughput data rate;

generating a trigger at the mobile station which identifies which of frame error rate or throughput is to be used to control selection of a modulation and coding selection method to be used at the base transceiver station to transmit data packets on the forward shared channel to the mobile station; and

transmitting the generated trigger to the base transceiver station where the trigger is used at least as part of a selection criteria for choosing one of a frame

error rate or a throughput dependent modulation coding selection method used to transmit the data packets on the forward channel to the mobile station.

54. (Cancelled) Without disclaimer or prejudice.

55. (Original) A system comprising:

a base transceiver station and a mobile station; and wherein

the base transceiver station resolves whether frame error rate or throughput of data packet transmission to the mobile station over a forward shared channel should be used to control a selection of which of a plurality of modulation and coding selection methods is to be used to transmit data packets over the forward shared channel to the mobile station with the base transceiver station computing a frame error rate of data packet transmission to the mobile station and comparing the calculated frame error rate to a threshold frame error rate and a throughput data rate of data packet transmission to the mobile station and comparing the calculated throughput data rate to a threshold throughput data rate, and the mobile station generates a trigger which identifies which of frame error rate or throughput is to be used to control selection of a modulation and coding selection method to be used at the base transceiver station to transmit data packets on the forward shared channel and the generated trigger is transmitted to the base transceiver station where the trigger is used at least as part of a selection criteria for choosing selection of one of a frame error rate or a throughput modulation and coding dependent method used to transmit the data packets on the forward channel to the mobile station.

56. (Original) A process in accordance with claim 8 wherein:

the function of frame error rate is an average and the function of throughput is an average.

57. (Previously Presented) A process in accordance with claim 1 comprising:

processing the quality indication at the base transceiver station to provide multiple triggers which are a function of the quality indication and using the multiple triggers to select a single group of the plurality of groups of selectable modulation and coding methods from which the modulation and coding method used to transmit the second data packets is selected.

58. (Previously Presented) A process in accordance with claim 57 wherein:

one of the characteristics of transmission is frame error rate and another of the characteristics is throughput.